

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARISA SAKHANSKIY,  
Plaintiff,  
v.  
JUSINO,  
Defendant.

Case No. [23-cv-04751-SVK](#)

**ORDER TO SHOW CAUSE**

**INTRODUCTION**

Petitioner, a federal prisoner at the Federal Correctional Institute (“FCI”) in Dublin, California, filed a Petition for a writ of habeas corpus under 28 U.S.C. § 2241. She has paid the filing fee and consented to the jurisdiction of a magistrate judge (ECF No. 6). Because the Petition, when liberally construed, states a claim that may warrant federal habeas relief, respondent is ordered to show cause why it should not be granted.

**DISCUSSION**

A. Background

Petitioner was convicted and sentenced in 2016 in the United States District Court for the Eastern District of California. (ECF No. 1 at 1.) She previously filed administrative grievances regarding the conditions at FCI-Dublin, as well as a petition for a writ of habeas corpus under 28 U.S.C. § 2255, all of which were denied. (*Id.* at 2, 3, 5.)

B. Standard of review

A district court may entertain a petition for a writ of habeas corpus challenging the execution of a federal sentence only on the ground the sentence is being executed “in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3); *United States v. Giddings*, 740 F.2d 770, 772 (9th Cir. 1984). The Court should “award the writ or issue an order

directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.

C. Petitioner’s claims

Petitioner seeks release from custody or a reduced sentence because of inadequate medical care and toxic conditions, including asbestos, black mold, lead paint, raw sewage and rat feces, at FCI-Dublin, and repeated failures by prison officials to remedy these threats to petitioner’s safety. When liberally construed, petitioner’s claims warrant an answer from respondent.

**CONCLUSION**

1. The Clerk shall serve a Magistrate Judge jurisdiction consent form, a copy of this Order, and the Petition and all attachments thereto, on respondent, the Warden of FCI-Dublin, and respondent’s attorney, the United States Attorney. The Clerk also shall serve a copy of this Order on petitioner.

2. Respondent shall complete and file the Magistrate Judge jurisdiction consent form no later than **December 6, 2023**.

3. Respondent shall file with the Court and serve on petitioner, on or before **January 4, 2024**, an answer showing cause why a writ of habeas corpus should not be granted. If petitioner wishes to respond to the answer, she shall do so by filing a traverse (a reply) with the Court and serving it on respondent on or before **February 3, 2024**.

4. It is Petitioner’s responsibility to prosecute this case. Petitioner must keep the Court informed of any change of address by filing a separate paper captioned “Notice of Change of Address.” She must comply with the Court’s orders in a timely fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED.**

Dated: November 6, 2023



Susan van Keulen  
United States Magistrate Judge